

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOARD OF TRUSTEES OF THE
GLASSWORKERS AND INDUSTRY
HEALTH AND SECURITY TRUST FUND,
GLAZIERS RETIREMENT TRUST FUND,
AND PUGET SOUND NORTHWEST
GLAZIERS AND APPRENTICESHIP AND
TRAINING TRUST (hereafter referred to as
the Trust Funds),

Plaintiffs,

v.

R & D GLASS AND ALUMINUM CO., a
Washington corporation, License No.
RDGLADG979NL,

Defendant.

No. C05-65Z

ORDER

JUDGMENT SUMMARY

Judgment Creditors: Glassworkers and Industry Health & Security Trust Fund, Glaziers
Retirement Trust Fund, and Puget Sound Northwest Glaziers and
Apprenticeship and Training Trust

Judgment Debtor: R & D Glass and Aluminum Co.

Judgment Amount:

Principal Amount of Judgment:	\$ 49,195.10
Attorneys' Fees:	2,038.00
Costs:	<u>13,793.75</u>

TOTAL: \$65,026.85

Principal Judgment Amount shall bear interest at 8% per annum.

1 Attorneys fees, costs and other recovery amounts shall bear interest at 8% per annum.

2 Attorneys for Judgment Creditor:

Michael H. Korpi, WSBA # 12711
SMITH McKENZIE ROTHWELL
& BARLOW, P.S.

4 Attorneys for Judgment Debtor:

NONE

5 This is an action for breach of a collective bargaining agreement based on alter-ego and
6 successorship liability. Pursuant to the motion of the Plaintiffs, the Court having considered the
7 pleadings, documents and declarations on file, finds as follows:

8 FINDINGS OF FACT:

9 1. The Court concludes that an Order of Default, docket no. 4, was entered on March 21,
10 2005, adjudging the Defendant, R & D Glass and Aluminum Co., to be in default.

11 2. The Court finds that the balance of \$32,714.19 in unpaid contributions is supported by
12 appropriate documentation.

13 3. The Court finds that \$11,167.86 in liquidated damages is supported by appropriate
14 documentation.

15 4. The Court finds that the claim for \$7,969.58 in interest is not supported by appropriate
16 documentation. A twelve percent (12%) interest rate was used in the calculations, when the
17 documents before the Court only support an interest rate of eight percent (8%) being used.
18 Therefore, the Court finds interest of \$5,313.05.

19 5. The Court finds that the claim for \$7,424.93 in reinstated liquidated damages is not
20 supported by appropriate documentation.

21 6. The Court finds that \$13,793.75 in costs were incurred in this action and are recoverable
22 under the agreement.

23 7. The Court finds that reasonable attorneys' fees for work completed to date is \$2,038.

24 8. The Court hereby finds the Plaintiffs are entitled to default judgment against Defendant,
25 R & D Glass and Aluminum Co., for the following amounts:
26

Contributions:	\$32,714.19
Liquidated Damages:	11,167.86
Interest:	5,313.05
Filing, Service & Audit Fees:	13,793.75
Attorneys' Fees:	<u>2,038.00</u>
Total Judgment	<u>\$65,026.85</u>

CONCLUSIONS OF LAW:

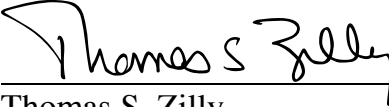
9. The Court finds that the Plaintiffs are entitled to a default judgment against Defendant, R & D Glass and Aluminum Co., in the amount of \$65,026.85 as a matter of law.

JUDGMENT

10. It is ORDERED, ADJUDGED and DECREED that a default judgment be entered against the Defendant, R & D Glass and Aluminum Co., in the amount of \$65,026.85.

IT IS SO ORDERED.

DATED this 12th day of August, 2005.


Thomas S. Zilly
United States District Judge